

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4905 of 2021

1. Brijkishore Sarthi, S/o. Shri Budhram Sarthi, Aged About 24 Years.
2. Vickey Sarthi, S/o. Shri Sunil Sarthi, Aged About 23 Years, Occupation – Labour.

Both R/o. Village Bakaruma, Out Post- Rairuma, Police Station And Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Officer Of The Police Station Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent : Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.08.2021

1. This is the fourth bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.112/2016 registered at Police Station- Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 147, 149, 307, 302 of the Indian Penal Code.
2. The first bail application was dismissed as withdrawn on 24.10.2018, second bail application was dismissed on merit on 13.03.2019 and third bail application was dismissed on 19.08.2020.
3. As per the prosecution case, on 22.03.2016 at village Bakaruma, the applicant alongwith other co-accused has initially assaulted one Jitendra Sarthi, thereafter, after some time, caused him burn

injury by straw whereby he died on 21.06.2016. It is alleged by the prosecution that the incident happened because of past background of the dispute. Consequently, the deceased was assaulted initially and thereafter was burned.

4. Learned counsel for the applicants would submit that the witnesses have been examined in this case, however, the I.O. is not turning up despite the fact the warrant has been issued and the applicants have lodged in jail. Therefore, the applicants may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Taking into the gravity of the offence, I am not inclined to allow the bail application; however, the State is directed to ensure the appearance of the I.O. on the next date of hearing so that the evidence is concluded. The presence of the concerned I.O. for evidence shall be ensured by the S.P. of the District Raigarh.
7. With such observation, the bail application stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge